

REMARKS

Claims 1-8 and 10-13 remain pending in the present application. Claims 1, 7, 8, 10 and 13 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102

Claims 7-8 and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Egashira et al. (U.S. Pat. No. 5,539,418). Applicants respectfully traverse this rejection.

Claim 7 defines the step of boring a hole through a body of the vehicle. In Figure 11, the only hole that is bored in the member 90 is closed slot 94 or the hole through which wire 82 extends although in Figure 11 this is in center plate 96 and not member 90. The Examiner then goes to Figure 23, a different embodiment to show the locating of the planar antenna in the through hole so that the imaginary body 92 is positioned between the radiating element (20) and the ground plate (10). Reference number 92 is a recess, but assuming we define the recess as forming an imaginary body, the imaginary body is not continuous with the body or member 90 disclosed in Figures 11 and 23. To better define the feature, applicants have amended the description of the imaginary body as having a thickness equal to a thickness of the body. Thus, additional description of the imaginary body clearly distinguishes over the Egashira reference.

Claim 8 defines an apparatus mounted in a through hole. Again, the only through hole in Figure 23 is the hole for wire 82. Recess 92 is not a through hole in member 90 it is a cavity defined by body 90. Thus, Applicants do not agree with the

Examiner's position that the antenna in Figure 23 is mounted in a through hole, it is mounted in a recess. Also, reference numeral 92 is the recess. Assuming we define the recess as forming an imaginary body, the imaginary body is not continuous with the body or member 90 disclosed in Figure 23. To better define the feature, Applicants have amended the description of the imaginary body as having a thickness equal to a thickness of the body. The additional description of the imaginary body clearly distinguishes over the Egashira reference.

Claim 10 has also been amended to better define the imaginary body the same as Claim 7 and 8. Thus, the above discussions apply to Claim 10 also.

Regarding Claim 11, the Examiner looks at Figure 1 to find the radiating element 20 being positioned above member 90. The Examiner then goes to Figure 9 to find the ground plate 20 is positioned between member 90 (opposite direction). The problem with this interpretation is that Figures 1 and 9 are two separate designs. It is improper to take features of one embodiment and add them to a second embodiment where here, the second embodiment (Figure 9 or 23) shows the ground plate 10 below member 90. There certainly is no justification to pick features from two separate embodiments when they do not disclose the same concepts.

Regarding Claim 13, Column 4, Line 31 teaches that the cavity 92 is covered by a plate 100. It does not disclose the radiating element, the ground plate and the metal plate are molded in a resin.

Thus, Applicant believes Claims 7, 8 and 10-13 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egashira et al. (U.S. Pat. No. 5,539,418). Applicants respectfully traverse this rejection. Column 1, Line 33 tells us that the object of Egashiro et al is to have an antenna that is higher in sensitivity in the horizontal direction. But, no where in Egashira et al. does it disclose, teach or suggest positioning the radiating element and the ground element as is defined in Claim 1. The only incentive to provide this positioning is by looking at Applicants disclosure which amounts to hindsight and hindsight reconstruction is improper in a 35 U.S.C. § 103 rejection. If the Examiner feels that this positioning of the elements is obvious to one skilled in the art, it should be easy for the Examiner to identify a reference that teaches this feature. Absent is a reference that teaches this figure, other than Applicants disclosure, Applicants respectfully request the withdrawal of the rejection. In addition, the definition of the imaginary body in Claim 1 has been better defined the same as was Claims 7, 8 and 10. Therefore, the above discussion applies here also.

Thus, Applicants believe Claims 1-6 patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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